

72-42101

7 August 1972

MEMORANDUM FOR: Executive Director-Comptroller

SUBJECT: Continued Classification of National
Intelligence Estimates

1. In forwarding the Director's decision to continue classification of a 1949 National Intelligence Estimate on Soviet Nuclear Capabilities, you asked that I explore the "matrix theory" as a vehicle for the blanket exemption of National Intelligence Estimates from the General Declassification Schedule. Subsequently, OGC 72-1101 expounded Mr. Houston's belief that such a categorical case could not be maintained and proposed exploration of a claim of executive privilege.

2. My thinking on this is somewhat at odds with Mr. Houston, although humbly so. I have examined, but not exhaustively, our National Estimates and believe that a case can be made which will permit all estimates to be exempt from the General Declassification Schedule, but which will require the examination of each as it is requested for declassification. The trend of my thinking is contained in the attachment. If you concur with this, I will attempt to put the substance of it in a memorandum to Mr. Huizenga, for your signature, to serve as his policy guidance.

STAT

/s/

Special Assistant for Information Control

Attachment

GFD:bec(7 Aug 72)

Orig - Adsew/att

1 - ER w/att

1 - SA for Info Control w/att

7 August 1972

1. In continuing the classification of a 1949 National Intelligence Estimate, the Director stated his intent not to release such documents. The "matrix theory" has been advanced as a justification for this categorical position. This concept holds that finished intelligence is composed of interwoven, complex information derived from many sources, both covert and overt.
2. The kernel of this theory is that continued comprehensive analysis of series of related estimates over a time span permits identification of sources. Consequently, it is necessary to protect all estimates in order to prevent the escape of a single thread which could unravel the entire garment.
3. The methodology involved in the writing of any single National Estimate may or may not be apparent. Depending upon the scope and nature of the estimate itself, sources may or may not be apparent. Permitting a sophisticated intelligence service to examine the total output of the National Intelligence Estimate series would certainly permit the service to follow changes in internal intelligence methodology and conceivably could pinpoint covert sources.
4. The intent to categorically exempt all National Intelligence Estimates from the General Declassification Schedule runs counter to the NSC intent to declassify important state papers for purposes of historical study. Mr. Houston has proposed the claim of executive privilege as the ultimate defense; the main thesis being the maintenance and protection of candid advice to the President. Inasmuch as the National Intelligence Estimates, by definition, are concerned primarily with the evaluation of courses of action open to other nations, the tendering of candid advice to those individuals who formulate this nation's foreign policy properly is relative to "special foreign relations."

5. A candid evaluation of a nation's characteristics, capabilities, and leadership may or may not denigrate those national traits in any single estimate. Over a period of time, estimates, to be worthwhile, must be frank in their appraisal of these traits. Such frankness inevitably will be viewed as less than flattering by the nation or leader involved. The release of such information would detrimentally affect our conduct of foreign relations with that state.

6. There is an intermixture of elements which taken singly or together speak for the continued classification of Intelligence Estimates. These are:

a. The protection of sources and methods which can be specifically identified in some individual estimate and generically applied to the entire series.

b. The effect of frank evaluation of a nation's foreign relations characteristics upon the conduct of such foreign relations which can ultimately be applied to an entire series.

c. The requirement for the Chief Executive to have access to frank and candid advice for the proper conduct of his duties.

Any one or a combination of these elements may be present in an individual estimate. This would imply that decisions could not be made on a categorical basis but by evaluating each estimate we would end up exempting all.

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